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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,520	06/09/2000	Dean F. Jerding	A-6287	1993

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/590,520

Applicant(s)

JERDING ET AL.

Examiner

Vivek Srivastava

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1, 2</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites 'wherein said termination procedure involves said interactive media services system terminating said media session if one of a plurality of client devices and system variables correspond to one of said plurality of parameters concerning bandwidth usage'. It is not clear is termination of one of the plurality of client devices is a result of bandwidth usage.

Claim 8 recites 'wherein said period is equal to said stop timeout parameter, forcing client device to present a main screen of said interactive media guide and said media session is fully terminated, allowing bandwidth to be allocated elsewhere. It is not clear if forcing the client device to present the main screen of the interactive guide after the media session is terminated.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5 – 7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon et al (6,253,375).

Regarding claim 1, Gordon discloses an interactive media system which includes a information server 102 (fig 1) which meets the claimed 'programmable media services server device' which provides media to a user through an interactive media services client device met by the 'settop terminal' 118 (see fig 1). Gordon further discloses implementing an EPG or 'interactive media guide' (see col 2 lines 25 – 27) and a settop terminal 118 for viewing the EPG (see fig 1 and col 2 lines 13 – 47) thus meeting the claimed 'implementing said client device to present said interactive guide to said user'. Gordon further discloses a system manager 114 (see col 5 lines 45 – 60) with an interface to the server (see fig 1) which provides control options within the interface to allow the system operator to set a plurality of parameters concerning bandwidth usage (see col 5 lines 45 – 60 and col 13 lines 37 – 63). It is noted that the

system manager meets the claimed 'system operator' limitation as it operates the system by dynamically allocating and managing bandwidth (control options).

Regarding claim 2, Gordon discloses that video session manager terminates the session and clears the session database. Gordon further discloses if a pause is selected, after a delay of 2 minutes the session is ended (see col 13 lines 38 – 63, col 9 lines 14 – 25).

Regarding claim 4, Gordon discloses the claimed wherein said termination procedure involves said interactive media services system terminating said media session if one of a plurality of client devices and system variables correspond to one of said plurality of parameters concerning bandwidth usage (see col 13 lines 38 – 63, col 9 lines 14 – 25).

Regarding claim 5, as discussed above, Gordon discloses ending a session if a pause is selected for over 2 minutes (see col 13 lines 60 – 63). It is noted after a timeout procedure of 2 minutes, the session is ended resulting in freeing up bandwidth for other users.

Regarding claim 6, Gordon discloses stopping a session thus presenting a stop state at the client device and ending a session if a pause is selected and the client device remains in the pause state for at least 2 minutes (see col 13 lines 50 – 63).

Regarding claim 7, Gordon discloses ending a session if a pause is selected for over 2 minutes (see col 13 lines 60 – 63). It is noted that a pause state stops the programming and thus equates to a stop state. It is further noted that after a timeout

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procedure of 2 minutes, the session is ended resulting in freeing up bandwidth for other users.

Regarding claim 9, Gordon discloses a user canceling or terminating a session (see col 13 lines 38 – 63). It is noted that after the user terminates a session, there is a cancellation period or 'time required' for the network manager or session control manager to complete the termination session procedure by freeing up bandwidth resources for others.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (US 6,253,375).

Regarding claim 3, Gordon fails to disclose the claimed wherein the termination procedure involves interactive media services system keeping media session active until the end of a rental duration period assigned to said media session independent of the behavior of any of a plurality of client device and system variables.

Official Notice is taken that it well known to keep a media session active until end of the rental duration period assigned independent of the behavior of a the client device and system variable to ensure the client is provided a session which the client rented. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gordon to include the claimed limitation to ensure the client is provided a complete session which was rented by the client.

Allowable Subject Matter

Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shioda et al (6,484,318) – CATV communication system

Rao et al (6,594,826) – Video pedestal network

Hoarty et al (6,305,030) – Interactive cable television network

Bigham et al (5,677,905) – Access controller for video dial tone networks

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-4038. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
3/5/05



VIVEK SRIVASTAVA
PRIMARY EXAMINER